



19 SEP 2008

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

RADER FISHMAN & GRAUER PLLC
LION BUILDING
1233 20TH STREET N.W., SUITE 501
WASHINGTON DC 20036

In re Application of	:	
MIZUNO, et al.	:	
Application No.: 10/536,867	:	
PCT No.: PCT/JP03/15341	:	DECISION ON PETITION
Int. Filing Date: 01 December 2003	:	UNDER 37 CFR 1.47(a)
Priority Date: 29 November 2002	:	
Atty. Docket No.: OMY-0045	:	
For: PRESSURE CONTROLLING APPARATUS,	:	
TRANSPORTING VEHICLE AND A UNIT FOR	:	
CONTROLLING PRESSURE DIFFERENCE	:	

This decision is in response to applicant's petition under 37 CFR § 1.47 filed 23 July 2008 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 01 December 2003, applicant filed international application PCT/JP03/15341 which claimed priority to an earlier application filed 29 November 2002. A copy of the international application was communicated from the International Bureau (IB) to the United States on 17 June 2004. Pursuant to 37 CFR 1.495, the thirty-month period for paying the basic national fee in the United States expired at midnight on 29 May 2005.

On 27 May 2005, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by the requisite basic national fee as required by 35 U.S.C. 371(c)(1), an English translation of the international application; a declaration signed by five of the six inventors and an assignment document for recording.

On 02 February 2006, applicant was mailed a "NOTICE OF ACCEPTANCE" (Form PCT/DO/EO/903) indicating a 35 U.S.C. 371 date of 27 May 2005.

On 23 July 2008, applicant filed the present petition under 37 CFR 1.47(a) to accept the filed declaration without the signature of inventor Tsuyoshi Abe.

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(g), (2) factual proof that the missing joint investor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor. With the filing of the present petition and accompanying papers, applicant has satisfied all four items.

CONCLUSION

For the reasons above, applicant's petition under 37 CFR 1.47(a) is GRANTED.

The application has an international filing date of 01 December 2003 under 35 U.S.C. 363, and a date of **27 May 2005** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

As provided in 37 CFR 1.47(c), a notice of the filing of this application will be forwarded to the non-signing inventor at his last known address of record. A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

This application is being returned to the DO/EO/US for processing in accordance with this decision.



Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294
Fax: (571) 273-0459



19 SEP 2008

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Mr. Tsuyoshi Abe
Freiru Ayase 3-401, 4-3-21 Kosuge
Katsushika-ku, Tokyo 124-0001
JAPAN

In re Application of
MIZUNO, et al.
Application No.: 10/536,867
PCT No.: PCT/JP03/15341
Int. Filing Date: 01 December 2003
Priority Date: 29 November 2002
Atty. Docket No.: OMY-0045
For: PRESSURE CONTROLLING APPARATUS,
TRANSPORTING VEHICLE AND A UNIT FOR
CONTROLLING PRESSURE DIFFERENCE

Dear Mr. Abe:

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor. As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternately, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join in the application, the law firm of record (see below) would presumably assist you. Joining in the application would entail the filing of the appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294
Fax: (571) 273-0459

Mr. Brian K. Dutton
RADER FISHMAN & GRAUER PLLC
LION BUILDING
1233 20TH STREET N.W., SUITE 501
WASHINGTON DC 20036
United States of America